

§ 933.823 Special performance standards—operations on prime farmland.

Part 823 of this chapter, *Special Permanent Program Performance Standards—Operations on Prime Farmland*, shall apply to any person who conducts surface coal mining and reclamation operations on prime farmlands.

§ 933.824 Special performance standards—mountaintop removal.

Part 824 of this chapter, *Special Permanent Program Performance Standards—Mountaintop Removal*, shall apply to any person who conducts surface coal mining operations constituting mountaintop removal mining.

§ 933.827 Special performance standards—coal processing plants and support facilities not located at or near the minesite or not within the permit area for a mine.

Part 827 of this chapter, *Special Permanent Program Performance Standards—Coal Processing Plants and Support Facilities Not Located at or Near the Minesite or Not Within the Permit Area for a Mine*, shall apply to any person who conducts surface coal mining and reclamation operations which include the operation of coal processing plants and support facilities not located at or near the minesite or not within the permit area for a mine.

§ 933.828 Special performance standards—in situ processing.

Part 828 of this chapter, *Special Permanent Program Performance Standards—In Situ Processing*, shall apply to any person who conducts in situ processing activities.

§ 933.842 Federal inspections.

(a) Part 842 of this chapter, *Federal Inspections*, shall apply to all exploration and surface coal mining and reclamation operations.

(b) OSM will furnish a copy of any inspection report written pursuant to this part to the North Carolina Department of Natural Resources and Community Development upon request.

§ 933.843 Federal enforcement.

(a) Part 843 of this chapter, *Federal Enforcement*, shall when enforcement

action is required for violations on surface coal mining and reclamation operations.

(b) OSM will furnish a copy of each enforcement action and order to show cause issued pursuant to this part to the North Carolina Department of Natural Resources and Community Development upon request.

§ 933.845 Civil penalties.

Part 845 of this chapter, *Civil Penalties*, shall apply when civil penalties are assessed for violations on surface coal mining and reclamation operations.

§ 933.846 Individual civil penalties.

Part 846 of this chapter, *Individual Civil Penalties*, shall apply to the assessment of individual civil penalties under section 518(f) of the Act.

[53 FR 3676, Feb. 8, 1988]

§ 933.955 Certification of blasters.

Part 955 of this chapter, *Certification of Blasters in Federal Program States and on Indian Lands*, shall apply to the training, examination and certification of blasters for surface coal mining and reclamation operations.

[51 FR 19462, May 29, 1986]

PART 934—NORTH DAKOTA

Sec.

934.1 Scope.

934.10 State program approval.

934.12 State program amendments disapproved.

934.13 State program provisions set aside.

934.15 Approval of North Dakota regulatory program amendments.

934.16 Required program amendments.

934.20 Approval of North Dakota abandoned mine plan.

934.25 Approval of North Dakota abandoned mine land reclamation plan amendments.

934.30 State-Federal Cooperative Agreement.

AUTHORITY: 30 U.S.C. 1201 *et seq.*

SOURCE: 45 FR 82246, Dec. 15, 1980, unless otherwise noted.

§ 934.1 Scope.

This part contains all rules applicable only within North Dakota that have been adopted under the Surface

Surface Mining Reclamation and Enforcement, Interior

§ 934.15

Mining Control and Reclamation Act of 1977.

§ 934.10 State program approval.

The North Dakota State Program, as submitted on February 29, 1980, and amended and clarified on June 12, 1980 and September 9, 1980, is conditionally approved, effective December 15, 1980. Beginning on that date, PSC shall be deemed the regulatory authority in North Dakota for all surface coal mining and reclamation operations and for all exploration operations where more than 250 tons of coal are removed on non-Federal and non-Indian lands and the North Dakota Geological Survey shall be deemed the regulatory authority in North Dakota for all exploration operations where less than 250 tons of coal are removed on non-Federal and non-Indian lands. Only surface mining and reclamation operations on non-Federal and non-Indian lands shall be subject to the provisions of the North Dakota permanent regulatory program. Copies of the approved program, together with copies of the letter of the Public Service Commission agreeing to the conditions in § 934.11, are available at:

(a) North Dakota Public Service Commission, Reclamation Division; State Capitol Building; Bismarck, ND 58505-0165; Telephone: (701) 224-4096.

(b) Office of Surface Mining, 100 East "B" Street, Casper, Wyoming 82601-1918, telephone: (307) 261-5824.

[45 FR 82246, Dec. 15, 1980, as amended at 57 FR 826, Jan 9, 1992; 57 FR 37706, Aug. 20, 1992]

§ 934.12 State program amendments disapproved.

The following provision of an amendment to the North Dakota permanent regulatory program, as submitted to OSMRE on February 10, 1987, and modified on August 18, 1987, and December 14, 1987, is hereby disapproved: Paragraph (c)(4) of the North Dakota Administrative Code, Article 69-05.2-12-05.1, which would have established separate financial criteria for self-bonding by rural electric cooperatives.

[53 FR 2840, Feb. 2, 1988. Redesignated at 55 FR 1819, Jan. 19, 1990]

§ 934.13 State program provisions set aside.

North Dakota regulation NDAC 69-05.2-27-01 is inconsistent with Federal provisions for permitting and bonding of research projects and is set aside under the provisions of section 505(b) of the Surface Mining Control and Reclamation Act of 1977.

§ 934.15 Approval of North Dakota regulatory program amendments.

The following is a list of the dates amendments were submitted to OSM, the dates when the Director's decision approving all, or portions of these amendments, were published in the FEDERAL REGISTER and the State citations or a brief description of each amendment. The amendments in this table are listed in order of the date of final publication in the FEDERAL REGISTER.

Original amendment submission date	Date of final publication	Citation/description
July 30, 1982	February 9, 1983, November 9, 1983.	NDCC Chapter 38-14.1; subsection 5 of § 38-14.1-02, definitions of "extended mining plan," "performance bond;" 38-14.1-03; subsection 3 of § 38-14.1-07, 13; subdivision "u" of subsection 1 of § 38-14.1-14; subdivision "n" of subsection 2 of § 38-14.1-14; § 38-14.15; subsection 3 of § 38-14.1-20; subsections 17, 18 of § 38-14.1-24; subsection 4 of § 38-14.1-30; § 38-14.1-38; Chapter 38-12.1; subdivision b of § 1 of § 38-12.1-04; Chapter 38-18; subsection 3 of § 38-18-05, definition of "mineral developer;" subsection 6 of § 38-18-05, definition of "mineral owner;" subsection 10 of § 38-18-05, definition of "surface owner;" subsection 3 of § 38-18-06; § 38-18-07; NDAC 69-05.2, Chapter 69-05.2-01, 05 through 19, 21, 22, 23, 26; NDCC § 38.12.1-03.
February 2, 1984	July 19, 1984	NDAC §§ 38-14-1.02(33)(a), 04.1, .2, .3, 13(1)(b), 24(1)(1); §§ 69-05.2-05-03, 69-05.2-09-18, 69-05.2-13-12.1 through .6, 69-05.2-16-04.
February 27, 1984	January 3, 1985	NDAC §§ 69-05.2-01-02, definition of "blaster" and renumbering of §; 69-05.2-17-01; 69-05.2-31.
June 18, 1985	February 18, 1986 ..	NDCC 38-14.1-04.2, .3, -7, -10, -14, -21, -30, -33; NDAC 69-05.2-04-01, -06-02, -08-03, -09-02, -08, -09, -10-03, -16-09.
May 30, 1986	October 21, 1986 ...	NDAC 69-05.2-01-02 (11), (12), definitions "coal preparation," "coal preparation plant," "coal processing plant," 08-05(2)(c)(5), -09-19, -13-13, -15-01, -02, -03(2), -04, -16-04(1)(b), -09(22), -15-01, -21-03.
September 8, 1986 ...	December 9, 1986 ..	NDAC 69-05.2-12-20.